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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/799,073	02/11/1997	MARK E. DAVIS	ST996505	3288

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EXAMINER

VU, THONG H

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 09/06/2002

25

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/799,073

Applicant(s)

DAVIS ET AL.

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8 and 28 is/are allowed.
- 6) ☒ Claim(s) 1, 10-21, 23-27 and 29-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. This office action is in response to Argument filed 6/26/02. Claims 1-8,10-21,23-32 are pending. The rejection is cited as stated below.
2. Claims 1,10-21,23-27,29-32 are rejected under 35 U.S.C. 102[e] as being anticipated by Kalra et al [Kalra 5,953,506]
3. As per claims 1,19 and 29 Kalra discloses a method of transmitting a data segment in a stream using a write module of the type which implements a selected one of a plurality of versions of a streaming protocol outputting a first stream of data according to a first version of the streaming protocol [col 2 lines 1-50, col 4 lines 1-45]; sequentially appending additional streams of data to the first stream of data according to each subsequent version of the streaming protocol up to and including the selected version, if the selected version of the streaming protocol is not the first version of the streaming protocol [abstract, col 4 lines 33-46, col 10 lines 1-17] delimiting the data segment in the data stream begin and end tags [Fig 16A1, col 25 lines 39-47].
4. As per claim 10, Kalra disclose no additional tags are embedded in the data segment between the begin and tags which is equivalent to data stream with sequence start (i.e.: begin tag), sequence end (i.e.: end tag) and no additional tags of other stream [Fig 16A1]
5. As per claims 11,23 Kalra discloses determining whether the data segment is stored in a current context for the data stream; if so, transmitting an alias tag in lieu of segment; and not, storing the data segment in the current context as inherent feature of using tag on data stream [Fig 16A1, col 25 lines 39-47].

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6. As per claim 12, Kalra discloses the data is a non-random access data stream as a video stream [col 19 line 65]

7. As per claims 13,24 and 30 contain the similar limitation of claim 1 except the step testing, prior to receiving each additional stream of data, whether an end of the data segment has been detected, and if so, terminating reception of the data segment prior to receiving the addition stream of data according to the selected version as inherent feature of encoding, decoding, storing and transmitting data stream [col 2 lines 27-50, col 4 lines 33-46, col 5 line 57-col 6 line 26, col 14 lines 12-34, col 15 lines 50-65, col 19 lines 1-21, col 21 line 61-col 22 line 15, col 23 lines 8-27, col 24 lines 16-49, col 26 line 49-col 27 line 14].

8. As per claims 14 and 25 Kalra discloses if the end of the data segment has not been detected upon receiving the additional stream of data according to the selected version, disregarding any remaining data in the segment as inherent feature of decoding multimedia stream data [col 16 lines 37-48].

9. As per claim 15 Kalra discloses storing the data segment current context, including any disregarded data therefrom [col 7 line 62- col 8 line 7, col 35 lines 59-64, col 37 lines 7-10, col 38 line 1]

10. As per claims 16,20 and 26, Kalra discloses the data segment is an object [ Fig 22].

11. As per claims 17 and 21, Kalra discloses the testing includes the step of initializing object data that is not received from the data stream to a default value as

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inherent feature of encoding, decoding, storing and transmitting data stream [col 19 lines 23-30, col 32 lines 10-13,49-54].

12. As per claim 18, Kalra disclose the transmitting an object type or version type for the data segment; and receiving the object type, including the steps of allocating and initializing an object when receiving the data segment based upon the object type [Fig 22]

13. As per claims 31 and 32 Kalra taught the step of testing for a premature end tag and terminating the reception of the data segment when a premature end tag (i.e.: a step of confirm a termination before end tag) [ Fig 16A1]

Thus, as explained above, the system and method of claims 1,10-21,23-27,29-32 is anticipated by the prior art.

### ***Response to Arguments***

14. Applicant's arguments filed 6/26/02 have been fully considered but they are not persuasive to overcome the prior art.

(A) As per claims 1,19,29 applicant argues the prior art does not teach using the different protocols.

As to point (A) Examiner notes the claim language did not teach the different protocols [see papers # 23,23].

(B) As per claims 13,24,30 applicant argues the testing to detect the end of data segment, terminating the reception of the data segment before receiving the additional stream of data.

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Examiner notes the prior art taught a digital stream combined 3D, audio and video data using the start and stop data to detecting and terminating the data segment. [Karla col 25 lines 38-48]. It is clearly the process has stopped the data segment before receiving the other data stream.

Thus the applicant argument is not persuasive and the rejection is sustained.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*  
**Patent Examiner**  
**Art Unit 2152**



**MARK H. RINEHART**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**